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U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MICHAEL D'ANTONIO	:	Docket No.: 2:16-cv-00816-CCC-JBC
Plaintiff	:	
	:	CIVIL ACTION
vs	:	
	:	CROSS MOTION IN OPPOSITION TO
	:	MARK CARTER'S MOTION
	:	TO DISMISS PLAINTIFF'S AMENDED
	:	COMPLAINT PURSUANT TO F.R.C.P.
BOROUGH OF ALLENDALE	:	12(B)(6)
ET ALS	:	
	:	
Defendants	:	

THIS MATTER having been opened to the Court by Plaintiff and the Court Dismissing Plaintiff Complaint without prejudice and that Plaintiff had 30 days to file an Amended complaint and that all defendants have filed opposition to dismiss with prejudice and Plaintiff by way of Cross Motion in opposition, states that the Motion by Mr. Mark Carter should be denied as to the lack of factual content for dismissal.

1. Mr. Carter relies on the all the documents filed by all the defendants in his submissions for reason for his motion to prevail

2. Mr. Carter lacks understanding of the Plaintiffs complaint and states that the sole reason for his request of granting dismissal is that I, plaintiff not Calm suffered injury of inability to execute on a default judgment that Mr. Carter represented me on.

regarding a parcel of land (he does not identify the parcel) owned that had been sold 2 years before in which he was not a party.

3. Mr. Carter fails to state that a Lis Pendens was served on the Property by Mr. Monahan which he had personal knowledge.

4. It was Mr. Carter as attorney of record who submitted for and receive a proof hearing before Judge Robert C. Wilson who granted the default judgment on March 21, 2013 and then proceeded to get a Writ of Execution and Notice of Levy

5. It was then admitted to Mr. Carter by this plaintiff that Mr. Albohm had land that Mr. Levin had an interest in a and I produced the Document that was given to me by Mr. Monahan the reconveyance agreement. Mr. Carter then advised me to search for the property on Yoemans lane that Mr. Levin had owned.

6. It was Early 2014 when I found that the Property was sold to the PRC.

7. Mr. Carter states that Plaintiff never joined in the prior state action. Plaintiff had no knowledge due to the concealment of the sale and no notice to Plaintiff under the Lis Pendens or the Rules of Foreclosure. Plaintiffs is not time barred as the tolling of the statutes starts at the time a litigant finds out about the Injury.

8. Mr. Carter states that i am under court order from the Assignment Judge of Bergen County to submit all future lawsuits there for review and approval. Mr. Carter fails to state that this is just against the Borough of Allendale and not anyone else. Nor at Higher Court levels. I never sued in District Court so Plaintiff did not have to submit this matter to anyone other than the clerk of District Court.

9. Mr. Carter states that i am attempting to avoid Jurisdiction issues and that I filed my amended complaint alleging civil rights violations. Mr. Carter interfered with my due process rights afforded to me under the 1st amendment wherein in order to redress the government in the presence of a grievance i had to file a complaint which he did the judgment followed and when explained that the judgment against Levin also meant that the Borough of Allendale caused injury to D'Antonio Mr. Carter dropped proper representation and denied my the 1 st amendment right also the 4th 5th 7th and 14th all stemming from the lack of inactions and denial of my due process rights.

10. Mr. Carter did not uphold his duty of care and protect my rights as a litigant. Upon

investigation of What Allendale Did with the PRC to collude and hide the property and hold a public auction Mr. Carter failed to enforce the law and make the appropriate motion and brief which he made me prepare and then refused in the presence of all the evidence and documents.

11. Mr. Carter fails to identify the reason(s) why the Appellate division affirmed and he further fails to include all the other matters in which he represented me on. He fails to expand on his contacts with Mr. Holahan who represents Mr. Albohm. who holds assets of Jack Levin wherein Plaintiff could levy of the assets under the Judgment obtained by Mr. Carter.

12. Mr. Carter' Complaint was improperly dismissed in conjunction with all the other defendants as there is no issue of standing the blanket dismissal must be revisited by the Court as to substantive inclusion and individual subject matter therein to each defendant.

13. Mr. Carter was aware that Mr. Albohm did not pay for all the land under his present deed and that was also edified under the reconveyance agreement between Mr. & Mrs. Albohm and Jack Levin.

14. Mr. Carter does not offer any of his personal office records to establish a timeline in denial or support of this Plaintiff's submission.

15. Plaintiff requests denial of the defendants motions until Rule 26 discovery is held. Upon all defendants making this discovery the Court will reverse its decision and find in favor of this Plaintiff.

16. Mr. Carter's certification is false and therefore his motion should be denied.

17. A sum certain which can be calculated against Mr. Carter is \$3million Dollars.


18. Plaintiff is not forum shopping and is acting under the Rules of Federal Procedure, I believe my Civil Rights have been violated, I have suffered injuries and I want hearing in Federal Court to determine the issues before a jury. Which is my 7th amendment right.

CERTIFICATION

I CERTIFY that the foregoing statements made by me are true. I am further aware that if any of the foregoing statements made by me are willfully false I am subject to

punishment.

Dated: 4-19-2017



Michael A. D'Antonio

CERTIFICATION OF SERVICE

I certify that caused an original copy of the Cross Motion to be hand delivered to the Clerk of District Court 50 Walnut Street Newark NJ 07101 and that I caused a copy to be mailed by regular mail to Mark S. Carter 79 Main Street Hackensack NJ 07601.

Dated: 4-19-2017



Michael A. D'Antonio